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09/675,406	09/29/2000	Benoit Vialle	24530.00600	9675

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/675,406

**Applicant(s)**

VIALLE ET AL.

**Examiner**

X L Bautista

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 06 October 2004 have been fully considered but they are not persuasive.
2. In response to applicant's argument (page 9, lines 5-23) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hawkins discloses a personal digital assistance having a user interface that enables users to initiate a phone call in response to a dial signal; and Urs discloses a communication device that enables users to repeatedly initiate a call without having to enter a caller-related information (telephone number) manually (abstract; col. 2, lines 39-44; col. 3, lines 51-67; col. 4, lines 1-21).
3. Applicant argues (page 10, lines 7-20) that "Urs does not suggest or mention initiating a return call using a last number entered...[it is] exclusively focused on information from caller and ways of using that information to generate a return call."

In response, Urs discloses "a need exists for an apparatus...for initiating a

communication in a communication system that provides for automatic dialing of stored voice mail telephone numbers, but that does not require a user to access the voice mail system repeatedly to call the same number.” Urs also discloses that “a user of a communication unit can return a voice mail call, possibly multiple times, without having to write the telephone number down...or dial the telephone number manually (col. 1, lines 23-33, 66-67; col. 2, lines 1-3, 39-44; col. 4, lines 5-10, 16-21). It is clear (and well known in the art) that the user is enabled to call the last dialed number without having to dial the number manually. It is well known in the art that users may dial the last dialed number by just pressing the “SEND” or “TALK” hard button.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hawkins et al* (US 6,516,202 B1) and *Urs* (US 6,408,176 B1).

Claims 1 and 17:

Hawkins discloses a method and apparatus for an organizer (personal digital assistant) that may receive a cellular portion to form a cellular telephone. Hawkins teaches initiation of the call device in response to a call signal (col. 3, lines 35-45; col. 4, lines 35-36); displaying a selectable interface of the call device in response to the call signal (fig. 8A, 8B; 9B); the selectable interface is configured to substantially emulate a dial pad of a handheld touch tone phone; receiving a dial signal from the selectable interface to initiate a phone call; and initiating the phone call in response to the dial signal (fig. 8A; col. 7, lines 12-60). Hawkins does not teach that a phone call is placed to a last entered phone number if digits are not received just before a dial signal is received from a call initiation button. However, Urs discloses a method for initiating communication in a communication system wherein caller-related information is used for placing a phone call or returning a voice mail call without having to write the telephone number manually; the user may press a SEND button and then particular caller-related information is used for initiating the return call (including a last entered number), (col. 3, lines 51-67; col. 4, lines 1-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hawkins's mobile computer to include a redial or call-previously-entered-phone-number features because it saves the user precious time

(especially when the phone number that is being called is busy for a long time or when several continuous calls to the same number are necessary) by enabling the caller to just press the SEND button over and over again until the call gets through.

Claims 2, 10, and 18:

See claim 1. Hawkins/Urs teaches a voice connection button 356 for initiating a voice connection to receive or place a voice telephone call, and a data connection button 357 for initiating a data connection for access to the WWW (Hawkins: col. 3, lines 35-48); and initiation of a phone call to a last entered phone number if digits are not received just before the call initiation button is activated (Urs: col. 3, lines 51-67; col. 4, lines 1-21).

Claims 3 and 19:

Hawkins teaches a dial pad screen 815 having a talk button icon (send button), (fig. 8A).

Claims 4, 13, and 20:

Hawkins teaches suspending a current application when the application is other than the call device (col. 4, lines 28-36).

Claims 5 and 21:

Hawkins teaches a log of past dialed and/or received calls that provides the user with a list of most recent phone calls and enables the user to redial a desired

phone number (col. 6, lines 61-67; col. 7, lines 1-7; fig. 8B (call back icon)).

Claims 6 and 22:

Hawkins teaches searching the memory of the organizer for a name associated with a phone number (col. 7, lines 64-67; col. 8, lines 1-8).

Claims 7 and 23:

Hawkins teaches a timer configured to clock a duration of the connection with other phone device (col. 7, lines 28-31; col. 8, lines 40-46; col. 12, lines 44-46).

Claims 8 and 24:

Hawkins teaches receiving a save signal to save a phone number and initiating an address entry application in response to receiving the save signal (col. 5, lines 27-34; col. 6, lines 27-36, 64-67; col. 7, lines 1-6; col. 8, lines 47-52; col. 12, lines 4-5, 16-26).

Claims 9 and 25:

Hawkins teaches a screen that provides the options of hanging up (ending connection), (col. 7, lines 42-44).

Claim 11:

Hawkins teaches that phone calls are placed and received (send, answer, ignore calls) according to the user selections (col. 7, lines 43-60; fig. 8B).

Claims 12, 14, and 15:

Hawkins teaches a display device that is a touch-sensitive screen, having software-generated keys (col. 2, lines 47-54), that identifies a tap input from a user (fig. 8A-8B; col. 6, lines 61-67; col. 7, lines 1-7).

Claim 16:

Hawkins teaches a microphone connected to the organizer, which is configured to receive audio input from a user (col. 3, lines 23-28; col. 11, lines 38-48). The microphone may be deactivated when the user terminates a call by pressing the touch pad (for example by pressing the hang up icon).

*Conclusion*

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach last number redial (*Davis*: col. 13, lines 13-17; *Beith*: col. 3, lines 41-48; col. 4, lines 29-36; *NOKIA*: page 41).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37



CFR 1.136(a).

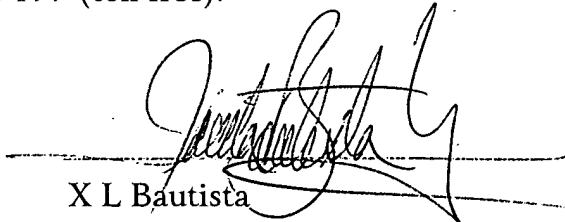
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (757) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
Art Unit 2179

xlb  
01 April 2005